O'MELVENY & MYERS LLP

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FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

writers F-Mail address knewman@omin.com

October 14, 2003

Marlene H. Dortch Secretary Federal Communications Commission 445 12th Street, SW Washington, DC 20554

Re: <u>WC Docket No. 02-359</u>

Dear Ms Dortch

Enclosed for filing in the above-captioned proceeding are an original and four copies of the Objections of Verizon Virginia Inc. to Cavalier's Witness and Exhibit Lists. In addition, we are enclosing eight copies for the arbitrator. Thank you

Sincerely,

Kimberly A Newmar

of O'Melveny & Myers LLP

cc Stephen T Perkins

Martin W. Clift, Jr Richard U. Stubbs

Ms Terri Natoli

Mr Jeremy Miller

Mr Brad Koerner

Mr. Marcus Maher

Mr Richard Lerner

Mr. John Adams

Ms Margaret Dailey

0+12

Before The FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

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OCT 1 4 2003

In the Matter of)		EDERAL COMMUNICATIONS COMMISSIO OFFICE OF THE SECRETARY
Petition of Cavalier Telephone, LLC)		
Pursuant to Section 252(e)(5) of the)	WC Docket No 02-359	
Communications Act for Preemption)		
of the Jurisdiction of the Virginia State)		
Corporation Commission Regarding)		
Interconnection Disputes with Verizon)		
Virginia, Inc. and for Arbitration)		

VERIZON VIRGINIA INC.'S OBJECTIONS TO CAVALIER'S WITNESS AND

EXHIBIT LISTS

In accordance with the *Procedures Established for Arbitration of an Interconnection*Agreement between Verizon and Cavalier, WC Docket No. 02-359, Public Notice (rel. August 25, 2003), Verizon Virginia Inc ("Verizon"), submits the following objections to Cavalier's "Witness and Exhibit Lists," filed on October 10, 2003:

Issue	Cavalier Witness(es)	Objection	Page, line reference
C2 (network	Walter Cole (9/23/03	No	
rearrangement)	Direct Testimony)		
C2	Walter Cole (10/9/03	No.	
	Rebuttal Testimony)		<u></u>
C2	Martin Clift (10/9/03	Yes. Improper	2·20-22; 3:16-
	Rebuttal Testimony)	rebuttal; testimony	23 – 4: 1-6;
		should have been	4 18-22 – 5 1-2,
		filed as Direct	5.6-11
		Testimony.	
C2	Martin Clift Exhibit	Yes. Document is	
	MC 1-R	ıncomplete;	
		hearsay, witness	}
		not competent to	
		lay a foundation for	
		this document.	
C3 (meet point	David Whitt (9/23/03	No.	
billing)	Direct Testimony)		
C3	Martin Clift (Direct	Yes. Although	
	Testimony)	Cavalier designates	
		Mr. Clift's direct	
		testimony as an	
		exhibit on this	
		issue, Mr Clift's	
		direct testimony does not deal with	
		issue C3.	
C3	Walter Cole (9/23/03	No.	
	Direct Testimony)	110.	
C3	John Haraburda	No.	
	(9/23/03 Direct	110.	
	Testimony)		
C3	David Whitt (10/9/03	No.	
	Rebuttal Testimony)	140,	
C3	Martin Chft (Rebuttal	Yes. Although	
	Titalini Citi (Itodulai	100. Attilough	

	Testimony)	Cavalier designates	
		Mr. Clift's rebuttal	ļ
		testimony as an	
		exhibit on this	
		ıssue, Mr. Clıft's	
		rebuttal testimony	
		does not deal with	
		issue C3.	
C3	Walter Cole (Rebuttal	Yes. Although	
	Testimony)	Cavalier designates	
		Mr. Cole's rebuttal	
		testimony as an exhibit on this	
		issue, Mr. Cole's rebuttal testimony	
		does not deal with	
		issue C3.	•
C4 (third-party	Martin Clift (9/23/03	No.	
charges for	Direct Testimony)		
tandem-transited			
calls)			
C4	Martin Clift (10/9/03	No	
	Rebuttal Testimony)		
C4	David Whitt (10/9/03	No.	
	Rebuttal Testimony)		
C5	Martin Clift (9/23/03	No.	
(interconnection	Direct Testimony)		
with third parties)			
C5	Martin Clift (10/9/03	No.	
	Rebuttal Testimony)		
C6 (E911)	Martin Clift (9/23/03	No.	
	Direct Testimony)		
C6	Martin Clift (10/9/03	No	
	Rebuttal Testimony)		10000
C9 (DSL prequel,	F. Chad Edwards	Yes. Hearsay;	1 22-23 – 2·1-4
loops/pricing)	(9/23/03 Direct	witness testifies	
	Testimony)	about customer	
		complaints that he	
		concedes he is	
	4 337 11 70/00/00	unable to verify.	
C9	Amy Webb (9/23/03	No.	
	Direct Testimony)		
C9	James Vermeulen	No.]
	(9/23/03 Direct		[
	Testimony)	<u> </u>	
C9	F. Chad Edwards	Yes Hearsay;	1:10-14

	(10/0/02 D -bt1	tnaga tagtifina	
	(10/9/03 Rebuttal	witness testifies	
	Testimony)	about customer	
		complaints that he	
		concedes he is	
		unable to verify.	
C9	Amy Webb (10/9/03	Yes. Improper	Exhibits AW-6,
07	Rebuttal Testimony)	rebuttal; testimony	AW-7, AW-8,
	(Reductar Testimony)	should have been	and AW-9
		filed as Direct	allu A W-9
		i	
		Testimony.	
C9	James Vermeulen	No.	
	(10/9/03 Rebuttal		
	Testimony)		
C9	Kenneth Ko (10/9/03	Yes. Improper	
_ -	Rebuttal Testimony)	rebuttal; testimony	
	/ countai resumony)	should have been	
		filed as Direct	
		Testimony.	
C10 (dark fiber)	Matt Ashenden	No.	
	(9/23/03 Direct		
	Testimony)		
C10	Matt Ashenden	No.	
	(10/9/03 Rebuttal		
	Testimony)		
C12 (joint	Amy Webb (9/23/03	No.	
implementation	Direct Testimony)		
•	Breet Testimony)		
team)	A Walls (10/0/02	No.	
C12	Amy Webb (10/9/03	NO.	
	Rebuttal Testimony)	<u> </u>	
C14 (IDLC)	James Vermeulen	No.	
	(9/23/03 Direct		
	Testimony)		
C14	James Vermuelen	Yes. Exhibit	Exhibit JV-1
<u> </u>	(10/9/03 Rebuttal	includes the out of	
	Testimony)	court statement of a	
	100000000	BellSouth witness;	
		exhibit is irrelevant	
		to the facts at issue	
		in this proceeding.	7.10.00 0.15
C16 (poles)	Matthew Ashenden	Yes Testimony	7 18-22; 8.15-
	(9/23/03 Direct	involves	18, 8:21-23 -
	Testimony)	disputes/complaints	9.1-12, 9:15-23
	,	with pole attachers	- 10.1-15,
		other than Verizon.	11:13-17
C16	Matthew Ashenden	 	
C10		Yes Improper	$\begin{bmatrix} 5.20 - 23 - 6.1 - \\ 12.7.10.22 \end{bmatrix}$
 	(10/9/03 Rebuttal	rebuttal, testimony	12, 7:10-23 –

C17 (customer contacts)		Testimony)	should have been	9.1-6; 9.9-23 –
Testimony. 23 - 14 1-4, Exhibits MA-1; MA-2; MA-3, MA-4; MA-5; MA-6, MA-7, MA-8, MA-9, MA-10 1/22 - 2:1-2, 2/28-23 - 4 1-7 2/28-23 - 4 1-7		restitiony)		1 ' I
Exhibits MA-1; MA-2; MA-3, MA-4; MA-3, MA-4; MA-3, MA-6, MA-7, MA-8, MA-9, MA-10				i '
MA-2; MA-3, MA-4; MA-5; MA-6, MA-7, MA-8, MA-9, MA-10			1 catimony.	1 ' 1
MA-4; MA-5; MA-6, MA-7, MA-8, MA-9, MA-10				1 ' 1
Mark Zitz (9/23/03 Yes Hearsay; witness provides a vague description of 3 - 4 year old complaints without any substantiating detail. Section 1.				
C17 (customer contacts)			<u> </u>	1 1
C17 (customer contacts)				1 ' 1
C17 (customer contacts) Mark Zitz (9/23/03 Direct Testimony) Direct Testimony) C18 (directory listings) C18 (directory listings) Direct Testimony) Direct Testimony) Todd Hilder (9/23/03 Direct Testimony) C18 (directory listings) Direct Testimony) Todd Hilder (9/23/03 Direct Testimony) C18 Martin Clift (9/23/03 Direct Testimony) C18 Todd Hilder (10/9/03 Rebuttal Testimony) C18 Martin Clift (10/9/03 Rebuttal Testimony) C18 Martin Clift (10/9/03 Rebuttal Testimony) C21 (deposit, prepayments) David Whitt (9/23/03 Divided Mith (10/9/03 Rebuttal Testimony) C24 (embargoes) David Whitt (9/23/03 No.				1 ' 1
C18 (directory listings) C18 (directory listings) C18 (directory listings) C18 (Martin Clift (9/23/03 Direct Testimony) C18 (Todd Hilder (10/9/03 Rebuttal Testimony) C18 (Todd Hilder (10/9/03 Rebuttal Testimony) C19 (Todd Hilder (10/9/03 Rebuttal Testimony) C21 (deposit, prepayments) C24 (embargoes) Direct Testimony) Direct Testimony) Martin Clift (9/23/03 Directory Listings issues to be decided in this arbitration. Witness provides a vague description of 3 – 4 year old complaints without any substantiating detail. 1:11-23 – 8:1-15, 9 20-23 – 10:1-3 10:1-8, 10 21-23 – 12:1-3; 14:19-23 – 18:1-3; 19:20-23 – 20:1-9 10:1-8, 10 21-23 – 18:1-3; 19:20-23 – 20:1-9 10:1-8, 10 21-23 – 18:1-3; 19:20-23 – 20:1-9 10:1-8, 10 21-23 – 18:1-3; 19:20-23 – 20:1-9 10:1-8, 10 21-23 – 18:1-3; 19:20-23 – 20:1-9 10:1-8, 10 21-23 – 18:1-3; 19:20-23 – 20:1-9 10:1-8, 10 21-23 – 18:1-3; 19:20-23 – 20:1-9 10:1-8, 10 21-23 – 18:1-3; 19:20-23 – 20:1-9 10:1-8, 10 21-23 – 18:1-3; 19:20-23 – 20:1-9 10:1-8, 10 21-23 – 18:1-3; 19:20-23 – 20:1-9 10:1-8, 10 21-23 – 18:1-3; 19:20-23 – 20:1-9 10:1-8, 10 21-23 – 18:1-3; 19:20-23 – 20:1-9 10:1-8, 10 21-23 – 10:1-3 12:1-23 – 10:1-3 12:1-23 – 12:1-3; 14:19-23 – 18:1-3; 19:20-23 – 20:1-9 13:1-3, 19:20-23 – 18:1-3; 19:20-23 – 20:1-9 13:1-1-3; 19:20-23 – 20:1-9 13:1	C17 (quataman	Moule 7.45 (0/22/02	Voc. Hoorgay	
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Directory Listings issues to be decided in this arbitration. C21 (deposit, David Whitt (9/23/03 No. Direct Testimony) C21 David Whitt (10/9/03 No. Rebuttal Testimony) C24 (embargoes) David Whitt (9/23/03 No.		,	,	
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Rebuttal Testimony) C24 (embargoes) David Whitt (9/23/03 No.			No.	
C24 (embargoes) David Whitt (9/23/03 No.		,		
	C24 (embargoes)	+	No.	
		Direct Testimony)		

C24	David Whitt (10/9/03	No.	<u> </u>
	Rebuttal Testimony)		
C25 (monetary	David Whitt (9/23/03	No.	
damages)	Direct Testimony)		
C25	David Whitt (10/9/03	No.	
	Rebuttal Testimony)		
C27	Lee Grant (10/9/03	No	
	Rebuttal Testimony)		
C27 (truck rolls,	Martin Clift (9/23/03	Yes. Contains	23:5-9
winbacks)	Direct Testimony)	ırrelevant	
		testimony about	
		Verizon practices	
		and procedures in	
		states other than	
		Virginia.	
C27	Amy Webb (9/23/03	Yes. Exhibit	Exhibit AW-5
	Direct Testimony)	contains irrelevant	
		information about	
		Verizon practices	
		and procedures in	
		states other than	
		Virginia.	
C27	Jeff Ferrio (9/23/03	No	
	Direct Testimony)		
C27	Martin Clift (10/9/03	Yes. Hearsay;	20:15-21;
	Rebuttal Testimony)	exhibits and related	Exhibits MC 3-
		testimony are	R; MC-4R
		statements of	1
		AT&T and the	
		Liberty Consulting	
		Group which	
		Verizon will not	
		have the	
		opportunity to	
		cross-examine.	
		Exhibits are also	
		ıncomplete	
C27	Amy Webb (10/9/03	No.	
	Rebuttal Testimony)		<u> </u>
C27	Jeff Ferrio (10/9/03	No.	
	Rebuttal Testimony)		

In addition, Verizon objects to Cavalier's blanket designation as exhibits all of the

[&]quot;materials" that Cavalier produced in discovery. First, Cavalier has not laid a foundation for any

of these "materials" Second, Verizon has not had an opportunity to review the documents that Cavalier should have produced on October 11, 2003, but did not begin to produce until the afternoon of October 13, 2003. Verizon reserves the right to assert other objections to these documents after it has had an opportunity to review them

Verizon further objects to Cavalier's unqualified designation of all of its witnesses as "subject matter experts."

DATED October 14, 2003.

Michael E Glover Of Counsel Respectfully submitted,

Karen Zacharia Kathleen M Grillo

Verizon

1515 North Court House Road

Arlington, VA 22201

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BEFORE THE FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

In the Matter of)	
)	
Petition of Cavalier Telephone, LLC)	
Pursuant to Section 252(c)(5) of the)	WC Docket No 02-359
Communications Act for Preemption)	
of the Jurisdiction of the Virginia State)	
Corporation Commission Regarding)	
Interconnection Disputes with Verizon)	
Virginia, Inc. and for Arbitration)	

CERTIFICATE OF SERVICE

I certify that on the 14th day of October, 2003, the Objections to Cavalier's Witness and

Exhibit Lists of Verizon Virginia, Inc. was served on the following parties:

Via Overnight Delivery and Electronic Mail:

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